



General Assembly

Substitute Bill No. 294

February Session, 2016

* SB00294PH 032216 *

**AN ACT CONCERNING SERVICES FOR INDIVIDUALS WITH
INTELLECTUAL DISABILITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section:

3 (1) "Department" means the Department of Developmental Services.

4 (2) "Commissioner" means the Commissioner of Developmental
5 Services.

6 (3) "Waiting list" means a list or lists maintained by the
7 commissioner that include the names of individuals with intellectual
8 disability who (A) have requested respite supports or residential, day,
9 in-home, behavioral or other services from the department, and (B) the
10 commissioner has determined to be in need of the supports or services
11 requested.

12 (4) "Level of need assessment" means the department's method,
13 using any standardized assessment or screening tool, to (A) determine
14 the level of services from the department that an individual with
15 intellectual disability requires for the management of the individual's
16 behavioral or health conditions and to complete activities of daily
17 living, as defined in section 19a-693 of the general statutes, (B)

18 determine an individual's priority status, and (C) assign an individual
19 an estimated funding amount for services.

20 (5) "Priority status" means the code assigned to an individual with
21 intellectual disability for whom services from the department have
22 been requested that identifies the timing of the individual's need for
23 services.

24 (b) Immediately after the department completes a level of need
25 assessment for an individual with intellectual disability, or not later
26 than September 30, 2016, for an individual who had a level of need
27 assessment prior to that date, the department shall provide to the
28 individual and the individual's parent, conservator, guardian or other
29 legal representative a complete copy of the level of need assessment,
30 including, but not limited to, scoring results, comments, a summary
31 report and any other related information or documents.

32 (c) (1) Not later than September 30, 2016, the commissioner shall
33 notify, in writing, each individual with intellectual disability, who is
34 receiving services from the department, and the individual's parent,
35 conservator, guardian or other legal representative of the individual's
36 priority status on any applicable waiting list and the amount of
37 funding budgeted for each service provided by the department.

38 (2) Not later than fifteen days after the commissioner makes a
39 change to the priority status of an individual with intellectual
40 disability, the commissioner shall notify the individual and the
41 individual's parent, conservator, guardian or other legal
42 representative, in writing, of such change.

43 (3) On or before July 1, 2017, the commissioner shall, in consultation
44 with each individual with intellectual disability who is receiving
45 supports or services from the department, and the individual's parent,
46 conservator, guardian or other legal representative, develop a long-
47 term five-year and ten-year care plan to meet the individual's needs for
48 supports or services. Such plan shall include an indication of the time

49 period each support or service is likely to be needed based on the
50 individual's annual level of need assessment. Such plan shall be
51 updated annually based on the individual's level of need assessment.

52 (d) (1) The commissioner shall develop and maintain one state-wide
53 comprehensive residential waiting list. Such waiting list shall (A) be
54 organized by geographic region and individuals' priority status, and
55 (B) include the type of support or service each individual needs and
56 the estimated time period each support or service is likely to be
57 needed. The commissioner shall update such list not less than
58 quarterly.

59 (2) On or before January 1, 2017, the commissioner shall conduct a
60 state-wide census and needs assessment for individuals receiving
61 services from the department. The census shall be based on the level of
62 need assessment for each such individual. At the conclusion of the
63 census, the commissioner shall update the residential waiting list
64 based on the results of such census. On or before January 1, 2017, the
65 commissioner shall report, in accordance with the provisions of section
66 11-4a of the general statutes, to the joint standing committee of the
67 General Assembly having cognizance of matters relating to public
68 health on the results of the state-wide census and needs assessment
69 and the status of the residential waiting list. Such report shall also
70 include, but need not be limited to, a description of the trends in
71 supports and services requested from the department and projections
72 for state-wide needs over the next two-year, five-year and ten-year
73 periods.

74 (e) Information collected, maintained and disclosed pursuant to this
75 section shall be in accordance with the requirements of the federal
76 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-
77 191) (HIPAA), as amended from time to time, or regulations adopted
78 thereunder.

79 Sec. 2. Section 17a-273 of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective from passage*):

81 (a) The Commissioner of Developmental Services shall appoint at
82 least one advisory and planning council for each state developmental
83 services region operated by the Department of Developmental
84 Services, which council shall have the responsibility of consulting with
85 and advising the director of the region on the needs of persons with
86 intellectual disability in the region, the annual plan and budget of the
87 region and other matters deemed appropriate by the council. The
88 mission of, and meeting dates and times for, each council shall be
89 posted on the Department of Developmental Services' Internet web
90 site.

91 (b) Each such council shall consist of at least ten members appointed
92 from the state developmental services region. No employee of any
93 state agency engaged in the care or training of [persons] individuals
94 with intellectual disability shall be eligible for appointment. At least
95 one member shall be designated by a local chapter of the Arc of
96 Connecticut in the region. At least one member shall be an individual
97 who is eligible for and receives services from the Department of
98 Developmental Services. At least two members shall be parents of
99 [persons] individuals with intellectual disability. Members shall be
100 appointed for terms of three years. No member may serve more than
101 two consecutive terms, except a member may continue to serve until a
102 successor is appointed. Each council shall appoint annually, from
103 among its members, a chairperson, vice-chairperson and secretary. The
104 council may make rules for the conduct of its affairs. The director of
105 the region shall be an ex-officio member of the council without vote
106 and shall attend its meetings.

107 (c) The council shall meet at least six times a year and at other times
108 upon the call of the chair or the director of the state developmental
109 services region or on the written request of any two members. A
110 majority of the council members in office shall constitute a quorum.
111 Any member who fails to attend three consecutive meetings or who
112 fails to attend fifty per cent of all meetings held during any calendar
113 year shall be deemed to have resigned from office.

114 (d) (1) Each council shall ensure that each individual with
115 intellectual disability who resides within the region, and is applying
116 for or receiving services from the Department of Developmental
117 Services and the individual's parent, conservator, guardian or other
118 legal representative, is informed, in writing and in plain language, of
119 the supports and services available to the individual from the
120 department.

121 (2) Each council shall establish and implement a planning and
122 resource allocation team. The team shall establish the priority of each
123 request by individuals with intellectual disability for residential, day
124 supports or other services from the department and the allocation of
125 resources within the region. All records, meeting minutes, reports and
126 other materials used by the team to determine an individual's priority
127 status shall be made available to the individual and the individual's
128 parent, conservator, guardian or other legal representative.

129 (e) Information collected, maintained and disclosed pursuant to this
130 section shall be in accordance with the requirements of the federal
131 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-
132 191) (HIPAA), as amended from time to time, or regulations adopted
133 thereunder.

134 Sec. 3. (NEW) (*Effective from passage*) (a) On and after October 1,
135 2016, the Commissioners of Social Services and Developmental
136 Services shall notify, in writing, any individual with intellectual
137 disability, who is receiving state-assisted care and who is soon to
138 become ineligible for state-assisted care, and the individual's parent,
139 conservator, guardian or other legal representative, of the date the
140 individual will be ineligible to receive state-assisted care. Such notice
141 shall be sent by certified mail, return receipt requested, not later than
142 ninety days prior to the date the individual will become ineligible for
143 state-assisted care or will stop receiving such care, whichever is earlier.

144 (b) Said commissioners shall assist any such individual and the
145 individual's parent, conservator, guardian or other legal representative

146 to identify and secure private funding for care or services required by
 147 the individual relating to his or her intellectual disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	17a-273
Sec. 3	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(a)(1)(3), "respite supports" was moved for clarity; in Section 1(a)(3)(B), "services requested" was changed to "supports or services requested" for internal consistency; in Section 1(b)(3) "receiving services" was changed to "receiving supports or services" for internal consistency; in Section 1(d)(2), "level of needs assessment" was changed to "level of need assessment", "residential waiting lists" was changed to "residential waiting list" and "the waiting lists" was changed to "the residential waiting list" for internal consistency, "each individual" was changed to "each such individual" for clarity, and "five-year and ten-year period" was changed to "five-year and ten-year periods" for accuracy.

PH *Joint Favorable Subst.*